

REMARKS

Applicants appreciate the courtesy extended by Primary Examiner P. Nolan and Examiner Yunsoo Kim, during the telephone interview with Applicants' representatives, Raymond Van Dyke and Cecilia Lopez-Chua, on April 11, 2005. During the interview, Examiner Nolan considered claims 13 and 14 free of the art and accepted Applicants' proposed cancellations of claims 9-12 and 17-25. Examiner Nolan also accepted Applicants' proposed introduction of (1) a claim that is directed to the variants of SEQ ID NO:2 (SEQ ID NOS 3-19) and recited in a Markush format, and (2) composition claims that are drawn to SEQ ID NOS:2-19.

In response to the Examiner's invitation to provide the priority reference (see page 2, Section 5 of the Office Action mailed February 11, 2005), Applicants herewith enclose a copy of the provisional application, U.S. Patent Application Serial No. 60/428,094, filed November 21, 2002.

In the present Action, claims 13 and 14 are pending and new claims 54-57 are added.

By this amendment, claims 1-12 and 15-53 are canceled, without prejudice or disclaimer. Applicants reserve the right to pursue these canceled claims in a continuation or divisional application(s).

Applicants have revised claim 13 by (i) deleting the phrase "The polypeptide of claim 9, wherein the amino acid sequence of said polypeptide comprises the" and (ii) inserting the phrase "A purified polypeptide comprising an" before the term "amino." In addition, claim 14 has been amended by (i) removing the phrase "The polypeptide of claim 9, wherein the amino acid sequence of said polypeptide consists of the" and (ii) inserting the phrase "A purified polypeptide consisting of an" before the term "amino."

The above amendments and new claims 54-57 are supported by the entire specification, particularly at pages 49-60 and 63-73.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented with an

appropriate defined status identifier. Applicants respectfully submit that the above amendments and new claims do not introduce new matter. Accordingly, Applicants respectfully request the Examiner to enter these amendments.

Rejection Under 35 U.S.C. §112, First Paragraph (Non-Enablement)

On pages 2-4, Sections 6-7, the Examiner contends that claims 9-13 and 17-25 are rejected under 35 U.S.C. § 112, first paragraph, on the ground that these claims fail to satisfy the enablement requirement. In response, Applicants have canceled claims 9-12 and 17-25, without prejudice or disclaimer, and revised claim 13 to be independent of the canceled claim 9. In view of the claim amendments, Applicants respectfully submit that the Examiner's rejection based on non-enablement of these claims has been overcome. Accordingly, Applicants earnestly request reconsideration and withdrawal of the rejection of these claims under 35 U.S.C. § 112, first paragraph.

Rejection Under 35 U.S.C. §112 (Lack of Written Description)

On pages 4-5, Section 8, the Examiner further rejects claims 9, 11-13, 18-20, and 22-25, under §112, first paragraph, as allegedly lacking written description. In view of the cancellation of claims 9-12 and 17-25 and revision of claim 13, Applicants submit that all grounds of this rejection are either moot or obviated. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the above-mentioned § 112 rejection.

Rejection Under 35 U.S.C. § 102(e)

On page 6, Section 10, the Office Action rejects claims 9-12, 17 and 25, under 35 U.S.C. §102(e), as being anticipated by U.S. Patent Application Publication No. 2004/025678 (hereinafter "Bodary"). Applicants respectfully traverse the rejection.

Due to the cancellation of claims 9-12, 17 and 25, Applicants respectfully submit that the rejection of these claims has been overcome. Reconsideration and withdrawal of the above-mentioned § 102(e) rejection is, accordingly, respectfully requested.

On page 6, Section 11, the Office Action also rejects claims 9-12, 17 and 25, under 35 U.S.C. §102(e), as being anticipated by U.S. Patent Application Publication No. 2002/0197679 (hereinafter “Tang”). Applicants respectfully traverse this rejection as well.

Similar to the aforementioned rejection based on the Bodary reference, the cancellation of claims 9-12, 17 and 25 renders the §102(e) rejection over Tang moot. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the §102(e) rejection over the Tang reference.

Lastly, on pages 6 – 7, Section 12, the Office Action rejects claims 17 and 20-24, under 35 U.S.C. §102(e), as being anticipated by U.S. Patent Application Publication No. 2003/0049804 (hereinafter “Pompejus”). Applicants respectfully traverse this rejection.

As noted above, Applicants have cancelled claims 17 and 20-24, thereby rendering the aforesaid rejection moot. Accordingly, Applicants earnestly request the reconsideration and withdrawal of the above-mentioned §102(e) rejection.

Applicants respectfully submit that the claims, as amended and presented herein, are distinct from the Bodary, Tang and Pompejus references. In light of these amendments and above-mentioned remarks, Applicants respectfully submit that the presently claimed invention is both novel and non-obvious over the cited art. Reconsideration and withdrawal of the various §102(e) rejections is, therefore, respectfully requested.

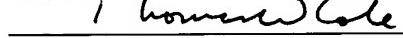
CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly solicited. Although Applicants believe that no fee is due, the Commissioner is hereby authorized to charge any payment deficiency to deposit account number 19-2380 referring to attorney docket number 031896-090000.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: May 11, 2005



Thomas W. Cole
Registration No. 28,290

Nixon Peabody LLP
Suite 900
401 9th Street, N.W.
Washington, D.C. 20004-2128
Tel: (202) 585-8250
Fax: (202) 585-8080